

Attorney's Docket No.: 14174-104US5 / RIB001.3USD4

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kreutzer *et al.*  
Serial No. : 10/612,179  
Filed : July 2, 2003  
Title : METHOD AND MEDICAMENT FOR INHIBITING THE EXPRESSION OF  
A GIVEN GENE

Art Unit : 1635  
Examiner : Tracy Ann Vivienne

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 CFR §§3.73(b) AND 1.321(b)

Pursuant to 37 CFR §3.73(b), ALNYLAM EUROPE AG, a company created and existing under the laws of Germany, certifies that it is the assignee of 100% of the right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the patent application identified above to RIBOPHARMA AG, recorded in the U.S. Patent and Trademark Office (U.S.P.T.O.) at Reel 014678, Frame 0552 on November 10, 2003. RIBOPHARMA AG changed its name to ALNYLAM EUROPE AG, and this change was recorded in the U.S.P.T.O. at Reel 015488, Frame 0614 on June 22, 2004.

The undersigned have reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned, whose titles appear below, are empowered to act on behalf of the assignee.

Pursuant to 37 CFR §1.321(b), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of U.S. Application Serial No. 09/889,802, whereby the patent granted on this application and U.S. Application Serial No. 09/889,802 will expire on the same day, provided

## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

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that any patent granted on the above identified application shall be enforceable only for and during such period that it is commonly owned with U.S. Application Serial No. 09/889,802.

The assignee identified above does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of U.S. Application Serial No. 09/889,802 in the event that it later (i) expires for failure to pay a maintenance fee, (ii) is held unenforceable, (iii) is found invalid, (iv) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), (v) has all claims cancelled by a reexamination certificate, or (vi) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of U.S. Application Serial No. 09/889,802.

This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.

Enclosed is a check for \$130 for the required fee pursuant to 37 CFR §1.20(d).

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

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Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: 20 April, 2005

  
ROLAND KREUTZER

Title: Managing Director  
On behalf of Alnylam Europe AG

Date: 21 April, 2005

  
STEFAN LIMMER

Title: Managing Director, Research and Development  
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